

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JOSEPH EDWARD SLOAN, BRYON Z. MOLDO,
Chapter 7 Trustee - IN RE JOSEPH EDWARD
SLOAN, Debtor,

Plaintiffs,

vs.

Civ. No. 00-702 BB/WWD ACE

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, a foreign corporation,
and RANDAL W. ROBERTS, ESQ.,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon a Motion to Quash Subpoena [docket no. 145] filed by Michael S. Paxton, Esq., an attorney in Los Angeles, California. Defendant State Farm Mutual Automobile Insurance Company has served a subpoena on Mr. Paxton seeking production and permitting the inspection and copying of the following documents, to wit:

A copy of any and all file documents, intake sheets, notes, and/or correspondence that establishes the first contact date, by telephone, correspondence or in person, by Joseph Edward Sloan with the law office of Michael S. Paxton.

There are other provisions in the subpoena which we do not need to address.

Paxton argues that the materials sought would be protected by the attorney/client privilege. Plaintiff has raised a question as to his having been forced into bankruptcy by actions taken by State Farm; accordingly, State Farm does need to establish the date upon which contact was made by Plaintiff Sloan with his bankruptcy attorney.

WHEREFORE,

IT IS ORDERED that the Motion to Quash Subpoena filed by Michael S. Paxton, Esq., [docket no. 145] be, and it is hereby, DENIED.


UNITED STATES MAGISTRATE JUDGE